

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK GREEN,)
)
)
Plaintiff,)
)
)
vs.) **CIVIL ACTION NO. 04-111E**
)
)
S.J. MORRISON, SGT., et al.,)
)
)
Defendants.)

RESPONSE TO ORDER TO SHOW CAUSE

Defendant, Rodney Showers, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, respectfully submits the following:

1. Plaintiff is a pro-se prisoner bringing this complaint pursuant to 42 U.S.C. §1983.
2. Defendant is a Correction Official with the Pennsylvania Department of Corrections.
3. The Office of Attorney General represents defendant.
4. The Litigation Section of the Office of Attorney General is experiencing personnel change.
5. This case was recently reassigned to undersigned counsel. Undersigned counsel was not assigned this case previously.

6. Undersigned counsel immediately filed a motion to show cause why plaintiff failed to file a pre-trial statement which was denied in light of the order directing this response.
7. Plaintiff has failed to file his pre-trial statement pursuant to a previous court order.
8. Plaintiff's failure prejudices defendant and the defense of this case. Plaintiff's failure to comply with the previous court order hinders defendant's ability to comply.
9. Defendant respectfully requests thirty days from the time Plaintiff files his pre-trial statement to file a pre-trial statement or motion for summary judgment.
10. Due to the unforeseen circumstances of the reassignment of this case and the fact that Plaintiff has failed to file his pre-trial statement, this request should not prejudice any party.

WHEREFORE, it is respectfully requested the response be granted.

Respectfully submitted:

Thomas W. Corbett, Jr.
Attorney General

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General
Attorney I.D. No. 11311

Susan J. Forney
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
6th Fl., Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: July 11, 2005

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2005, I electronically filed the foregoing *Response to Order to Show Cause* with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

Mark Green, DT-9254
SCI-Camp Hill
2500 Lisburn Road
P.O. Box 8837
Camp Hill, PA 17001

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General